

Appl. No. 10/708,894
Response dated 10/21/2004
Reply to Office Action of 6/21/2004

REMARKS/ARGUMENTS

Objections to the Specification

The PCT application number has been corrected in the Amendment to the Specification as requested by the Examiner. In addition, Applicant will supply the Certified Copy of the Priority document as required before patent grant by 35 U.S.C. 119(b).

Claim remarks with regards to 35 U.S.C. §102

The Examiner has rejected claims 1-7, 9 and 13 as being anticipated by Sinker et al. Applicant disagrees for the following reasons. Sinker et al, fails to disclose "...said shuttle has a downstream portion, an upstream portion and a middle portion, each portion engaging or engageable with a sliding fit in said inner bore and such that, when in said closed checking position, said middle portion engages with a sealing engagement, said inner bore". A sliding fit is a fit wherein the surfaces of the respective components slide relative to one another.

If the middle portion 7 of shuttle 5 did not engage the inner bore with a sliding fit when the shuttle is in the closed position, then seal 20 would be unable to prevent fluid passing by and the valve would be ineffective.

This sliding fit feature allows for advantageous self-cleaning through the wiping action which is described in the specification at the bottom of page 5 and is repeated below.

"In preference, through all of the previously described references to features, these are further characterized in that the arrangement is such that the flexible seal effects a sliding

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and therefore wiping action between the respective surfaces as it is urged into a closed position with respect to the valve of the body.

The advantage of this last feature is that by having the closing action result in the seal approaching with the sliding and therefore wiping action a seat, means that any debris or other residual materials that otherwise would sit on the seat, will have a high degree of potential of being removed by this action.”

Flange 16 of Sinker's valve body does not engage the inner bore with a sliding fit at any stage of the valves operation. In fact the large clearance around flange 16 is material to the operation of the valve as it provides a passageway for the fluid when the valve is open. As such, Sinker does not anticipate Applicant's claim element "...said shuttle has a downstream portion, an upstream portion and a middle portion, each portion engaging or engageable with a sliding fit in said inner bore and such that, when in said closed checking position, said middle portion engages with a sealing engagement, said inner bore".

Independent claims 2, 4, 5 and 6 also comprise the previously discussed claim element and are therefore not anticipated by Sinker et al. Claims 3, 7, 9 and 13 are dependent claims which comprise the claim limitation described above through their respective parent claims and are therefore novel over Sinker et al.

Claim remarks with regards to 35 U.S.C. §103

The Examiner has rejected claim 8, as being obvious with regards to Sinker et al. over Buckner. Applicant disagrees for the following reasons. The combination of Sinker with Buckner do not combine to form a device with "...said shuttle has a downstream portion, an

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upstream portion and a middle portion, each portion engaging or engageable with a sliding fit in said inner bore and such that, when in said closed checking position, said middle portion engages with a sealing engagement, said inner bore" and therefore are not the invention of the Applicant. Since claim 8 depends on independent claim 6 which comprises this element, Applicant believes this claim to be unobvious over the combined references.

The Examiner has also rejected claims 8-10 as being obvious over Sinker et al, alone. Again, since Sinker does not comprise all of the elements of Applicant's claimed invention as per the previous paragraph, it is neither anticipated nor obvious in view of this single reference.

Claim remarks with regards to 35 U.S.C. §112

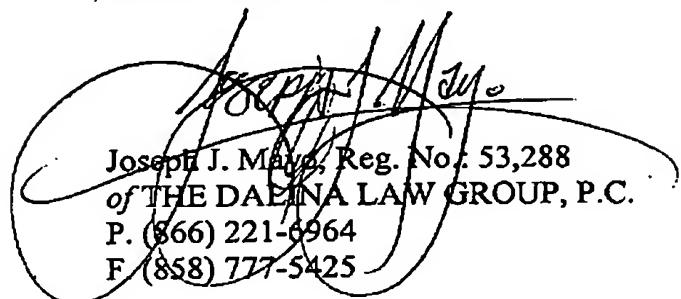
The Examiner has rejected claim 3 under 35 U.S.C. §112 and Applicant has amended the claim to correct the grammar. The Examiner has rejected claim 12 as being identical to claim 11 and claim 12 has been canceled.

CONCLUSION

For at least the reasons stated herein, Applicant respectfully submits that the new claims are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.

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Respectfully submitted,


Joseph J. Mayo, Reg. No. 53,288
of THE DALINA LAW GROUP, P.C.
P. (866) 221-6964
F (858) 777-5425

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| Correspondence Info: | CERTIFICATE OF TRANSMISSION |
| Customer Number 36067 | <i>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>October 21, 2004</u> to (703) 872-9306.</i> |
| Signature Name: Joseph J. Mayo | Date: <i>October 21, 2004</i> |

